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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,280	12/06/2001	Kazuhiko Taira	216896US2S	5255

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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
HASAN, SYED Y	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,280	TAIRA ET AL.	
	Examiner	Art Unit	
	Syed Y. Hasan	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 -11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/06/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On (page 2, para 0020) the examiner requests change from "MPU 3" to "MPU 9" to reflect Figure 1.

On (page 2, para 0021) D/A converter 8 shows different functions but has the same nomenclature in figure 1. Examiner requests to combine all nomenclature in one box to show a various function entity or assign different nomenclatures, unless the inverter means redundant units. Clarification in the specification is required.

On (page 2, para 0023) A/D converter 11 shows different functions but has the same nomenclature in figure 1. Examiner requests to combine all nomenclature in one box to show a various function entity or assign different nomenclatures, unless the inverter means redundant units. Clarification in the specification is required.

Appropriate correction is required.

Drawings

2. The disclosure is objected to because of the following informalities:

In figure 1, D/A converter 8 shows different functions but has the same nomenclature. Examiner requests to combine all nomenclature in one box to show a various function entity or assign different nomenclatures, unless the inverter means redundant units. Clarification in the specification is required.

In figure 1, A/D converter 11 shows different functions but has the same nomenclature. Examiner requests to combine all nomenclature in one box to show a

various function entity or assign different nomenclatures, unless the inverter means redundant units. Clarification in the specification is required.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujinami (US 6526217).

Regarding claim 1, Fujinami discloses a system for recording a primary audio stream and a secondary audio stream on a write-once type recording medium which comprises a data area for recording data including contents of the primary and secondary audio streams and a management area for recording management information for managing the recorded data, said system comprising:

first means for recording a first original audio stream as the primary audio stream on the data area of said recording medium (fig 1, col 1, lines 44 – 46, a primary audio bit stream A1 and a secondary audio bit stream A2 are multiplexed into a single stream and recorded.)

second means for recording a second original audio stream as the secondary

audio stream on the data area of said recording medium, said second original audio stream being recordable separately from said first original audio stream (fig 1, col 1, lines 44 – 46, a primary audio bit stream A1 and a secondary audio bit stream A2 are multiplexed into a single stream and recorded.) and

third means for recording a modified audio stream as the secondary audio stream on the data area of said recording medium, said modified audio stream being obtained by partially or entirely modifying said second original audio stream (fig 2, col 2, lines 23 –25, this AR audio data is written in the recording area of the secondary audio bit stream A2.)

Regarding claim 2, Fujinami discloses a fourth means for reproducing at least one of the primary and secondary audio streams to provide a reproduced audio stream (fig 3, col 8, lines 18 – 19, the original data are retrieved from the read channel buffer 6 and reproduced by being decoded in the decoder 7, while at same time accumulating them in the bypass buffer 8.)

fifth means for partially or entirely replacing the reproduced audio stream with a given audio stream for after recording to provide an after-recording audio stream (fig 3, col 8, lines 36 –37, the original data are retrieved from the bypass buffer 8 and sent to the detector 9.)

sixth means for recording the after-recording audio stream as the secondary audio stream on the data area of said recording medium (fig 3, col 8, lines 48 – 50, the AR audio data retrieved from the encoder buffer 12 are accumulated in the write channel buffer 13.)

5. Claims 3 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakai et al (US 6658196)

Regarding claim 3, Sakai et al discloses a write-once type recording medium (col 16, line 34 –35, write-once type optical disk) having a data area for recording contents of primary and secondary audio streams (col 3, lines 42 - 43,the peripheral area ARU is allocated as a user area that has digital video and audio signals recorded therein.) and a management area for recording management information of the recorded data, (col 3, lines 10-12, the next inner area ARSB accommodates management data about video and audio signals recorded on the optical disk 1.) wherein

said data area is configured to record a first original audio stream as the primary audio stream, (col 12, lines 38 – 40, the result of the editing of cuts is output without modifying any of the materials A, B, C and D recorded on the optical disk 1, here A is primary and B is secondary)

said data area is configured to record a second original audio stream as the secondary audio stream, said second original audio stream being recordable separately from said first original audio stream, and said data area is configured to record a modified audio stream as the secondary audio stream, (col 12, lines 38 – 40, the result of the editing of cuts is output without modifying any of the materials A, B, C and D recorded on the optical disk 1, here A is primary and B is secondary)

said modified audio stream being obtained by partially or entirely modifying said second original audio stream (fig 3A – 3F, col 12, lines 62 – 63, the cuts "a," "b" and "d" from the materials A, B, C and D, implies modified state.)

Regarding claim 4, Sakai et al discloses wherein said management information includes a first original state indication information indicating that the primary audio stream is an original audio stream (col 11, lines 46 – 49, From the management data 16, the system control circuit 15 acquires location and history information about the code data DV and audio data recorded on the optical disk 1 and col 12, lines 38 – 40, the result of the editing of cuts is output without modifying any of the materials A, B, C and D recorded on the optical disk 1, here A is primary and B is secondary)

Regarding claim 5, Sakai et al discloses wherein said management information includes a first modified state indication information indicating that the primary audio stream has been modified partially or entirely (fig 3A – 3F, col 12, lines 62 – 63, the cuts "a," "b" and "d" from the materials A, B, C and D, implies modified state.)

Regarding claim 6, Sakai et al discloses wherein said management information includes a second original state indication information indicating that the secondary audio stream is an original audio stream (Same as claim 4 above, A is primary and B is secondary)

Regarding claim 7, Sakai et al discloses wherein said management information includes a second modified state indication information indicating that the secondary audio stream has been modified partially or entirely (Same as claim 5 above, a is primary and b is secondary)

Regarding claim 8, Sakai et al discloses wherein said management information includes a dummy state indication information indicating that the secondary audio stream is a dummy audio stream to be dubbed into an after-recorded audio stream for

a future (col 12, lines 46 – 49, changes of the editing points may illustratively involve insertion and overlay. That is, an additional cut "e" may be inserted between the cuts "b" and "d," and a desired cut "e" may be overlaid onto the cuts "a" through "d" thus edited, implying a dummy stream dubbed.)

Regarding claim 9, Sakai et al discloses wherein said management information includes an after-recorded state indication information indicating that the secondary audio stream has been modified partially or entirely, in which an after-recorded state indicated by said after-recorded state indication information is able to be transited from only a dummy state indicated by said dummy state indication information (col 12, lines 46 – 49, changes of the editing points may illustratively involve insertion and overlay. That is, an additional cut "e" may be inserted between the cuts "b" and "d," and a desired cut "e" may be overlaid onto the cuts "a" through "d" thus edited, implying a dummy stream dubbed.)

Regarding claim 10, Sakai et al discloses a recording/reproducing apparatus for recording audio visual information including a video signal, first audio stream, and second audio stream (col 3, lines 42 – 49, the peripheral area ARU is allocated as a user area that has digital video and audio signals recorded therein. The user area ARU is divided concentrically into ARU1, ARU2, etc. Each divided area ARU1, ARU2, etc., is further divided concentrically into five smaller areas. The outermost of the five areas is allocated as an area to record a digital video signal V1; the remaining four areas are used to accommodate four-channel digital audio signals A1 through A4.) on a write-once type optical disc (col 16, line 34 –35, write-once type

optical disk) by irradiating the optical disc with a light beam, (fig 1, col 3, lines 64 – 65, the optical pickup 3 emits a laser beam to the optical disk) wherein said disc is provided with first and second areas for recording the audio visual information, said apparatus comprising:

a disc drive (fig 1, 14) configured to rotate the optical disc at a predetermined rotational speed (col 16, lines 13 – 14, the disk rotated at a constant angular velocity to reproduce data)

a reproduction block configured to read out the video signal, first audio stream and second audio stream stored in the first area of the optical disc, (col 4, lines 61 – 67 and col 5, lines 1 – 7, explain the process of block configured to read video and audio treams) wherein a first set of the video signal and the first audio stream stored in the first area has substantially same contents as a second set of the video signal and the second audio stream stored in the first area, (fig 2B, ARU1 and ARU2) and said second set is selectively reproducible within a same time period as a period for reproducing said first set;(fig 2b, both ARU1 and ARU2 are configured to record video and audio in the same fashion) and

a recording block configured to prepare a modified audio stream obtained by partially or entirely modifying the second audio stream in accordance with an audio signal for after-recording, to prepare a third set of the video signal and the modified audio stream, and to record contents of the third set in the second area whose location differs from a location of said first area (fig 3A – 3F, depict original and modified video and audio signals recorded)

Regarding claim 11, Sakai et al discloses wherein when said third set is recorded on the optical disc, said reproduction block is configured to preferentially select the third set to automatically reproduce the modified second audio stream with the video signal of the third set (fig 3A – 3F, here D is depicted as the third set)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Gotoh et al (US 6839504) discloses an information recording medium and system controller.

Ando et al (US 6549721) discloses an information storage medium and information recording/playback system.

Murase et al (US 6285826) discloses an optical disc recording device and reproducing device.

Okada et al (US 6122436) discloses an optical disc, optical disc recording method and apparatus and optical disc reproducing method and apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Y. H.

11/02/2006